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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLANKENSHIP, GREGORY A				
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3612				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@butzel.com
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Office Action Summary

Application No.

10/577,747

Applicant(s)

GHERGHELI ET AL.

Examiner

GREGORY BLANKENSHIP

Art Unit

3612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 7/29/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/27/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities:

Claim 3, line 1, "looking" should be ~~locking~~;

Claim 3, line 1, "back seat" should be ~~non-first row seat~~.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et al. (6,183,033).

Arai et al. disclose a method of moving a non-first row seat that is coupled to a vehicle by a track (41,45). The seat includes a seat cushion (47) and a seat back (52). A latch mechanism is released to allow the seat cushion to flip forward about hinge mechanism (103,104,50) while maintaining the seat back in an upright position, as shown in Figure 14. The seat slides rearward on the track to a pre-selected position when the seat cushion is flipped forward, as disclosed on lines 50-57 of column 8. In reference to claim 2, the pre-selected position can be both an easy-entry position or a design position since folding the seat down improves ease of entry through a rear gate of a wagon and the seat is designed to be in the position, shown in Figures 13-15. In reference to claim 3, the seat is locked in the pre-selected position, as disclosed on lines 30-33 of column 9.

4. Claims 4-7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowler et al. (5,702,145).

Fowler et al. disclose a method of stowing a second row seat (28) of a vehicle. The second row seat is coupled to the floor by a track (32) behind the first row seat (18), as shown in Figure 3. The second row seat (28) has a seat cushion (42), and a seat back (50), as shown in Figure 3. The second row seat (28) has a lever (48) that is manipulated to stow the seat. The seat cushion (42) is rotated forward and downward such that the seat cushion is flush with the vehicle floor, as shown in Figure 5. The seat back is rotated forward to a position that is adjacent to the seat cushion, as shown in Figure 5. In reference to claim 5, the position shown in Figure 5 is considered to be a design position. The claim does not specify the orientation of the seat back that constitutes the design position. In reference to claim 6, the seat is moved along the track to a pre-selected position at the front of the track, as shown in Figure 3. In reference to claim 7, the seat is locked in position, including the pre-selected position, as disclosed on lines 15-38 of column 3. In reference to claim 12, the second row seat (28) has a lever (48) configured to lock and release the seat cushion (42) and seat back (50) and allow the seat cushion and seat back to move to the design/stowed position, shown in Figure 5. The seat cushion (42) is flush with the floor and the seat back is adjacent the seat cushion when in the design/stowed position, as shown in Figure 5.

5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al. (US 2002/0043850).

Sugimoto et al. discloses a method of moving a non-first row vehicle seat that is coupled to the vehicle in a track (2). A first mechanism, lever (12), is manipulated to adjust the seat cushion (4) to flip forward. The seat cushion is rotated to a vertical position (P3), as shown

in Figure 2. The non-first row seat is slid along the track to a pre-selected position after the seat cushion is rotated to position (P3), as disclosed in paragraphs [0061-0062].

Allowable Subject Matter

6. Claims 8-10 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/
Supervisory Patent Examiner, Art Unit
3612

gab
November 18, 2008